

### **REMARKS/ARGUMENTS**

In response to the Final Office Action mailed June 23, 2011, Applicant proposes to amend his application and requests reconsideration in view of the proposed amendments and the following remarks. In this amendment, claim 1 is proposed to be amended, no claims have been added, no claims have been cancelled without prejudice and claims 5, 6, 10-16 and 18-19 were previously withdrawn so that claims 1-6, 8-16 and 18-19 are currently pending. No new matter has been introduced.

Claims 1-4 and 8-9 were rejected under 35 U.S.C. § 112, first paragraph. Applicant has amended claim 1 to more clearly set forth the invention. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-4 and 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,984,955 to Wisselink (Wisselink) in view of U.S. Patent Publication No. 2004/0082990 to Hartley (Hartley). This rejection is respectfully traversed.

Wisselink discloses a system and method for grafting a main vessel as well as a branch vessel. The system comprises a primary graft placed in a main vessel. The primary graft is secured in place by anchoring devices on each end (stents). The primary graft comprises an opening through which a branch graft is connected. A branch connection apparatus secures the branch graft to the opening in the primary graft. The branch graft may also comprise an anchoring device at an end opposite of the branch connector apparatus. As the Examiner correctly asserts, the anchoring device may be wholly inside or wholly outside. Wisselink does disclose a main graft with an opening for an extension, but not as claimed with a one-piece unitary structure.

Hartley discloses a composite prosthesis formed from modular components. Each component has a stent portion and a graft portion. Two components overlap with the graft material from one making contact with the graft material on the other. This is

accomplished by having the stent of one component on the inside and the stent of the other component on the outside. There is a stent on stent seal. More specifically, smooth surfaces 70 and 74 engage with each other when the prosthesis is assembled and provide a seal between the proximal and distal portions.

In order to make a finding of obviousness, an Examiner must (1) determine the scope and content of the prior art, including non-analogous art if it is in the field of endeavor reasonably related to the particular problem to which the claimed invention is directed, (2) ascertain the differences between the claimed invention and the prior art, considering both the prior art and claimed invention as a whole, and (3) resolve the level of ordinary skill in the art at the time of the invention, factoring in the creativity that one of ordinary skill in the art would employ as well as the Examiner's own knowledge and technical expertise.

It is respectfully submitted that the references taken as a whole fail to disclose or suggest all of the claimed limitations. Claim 1 as amended claims a device for coupling two vessels comprising a single flow channel main trunk having first and second ends; first and second stent-anchors disposed completely within and covered by the main trunk, the first and second stent-anchors securing the first and second ends of the main trunk within a first vessel; a graft extension configured as part of the main trunk and extending in an acute angle from and being in fluid communication with the main trunk, the graft extension being configured for connection to a second vessel not in communication with the first vessel at this juncture through an incision in the first vessel, the graft extension and the main trunk being formed as a continuous, one-piece, unitary structure having no coupling device or sealing means at the bifurcation, the single flow channel main trunk having a first diameter above the graft extension and a second diameter below the graft extension, the first and second diameters being equal; a bypass graft overlapping the graft extension creating an overlap region and being in fluid communication with the graft extension vessel, the outside diameter of the graft extension being substantially equal to the inside diameter of the bypass graft; and

an internal anchor and an external anchor, the internal anchor being positioned within the graft extension configured to exert a chronic outwardly directed outward force and the external anchor being positioned outside of the bypass graft and configured to exert a chronic inwardly directed force , the internal anchor and the external anchor cooperating to seal the graft extension and the bypass vessel, both the internal anchor and the external anchor being positioned concentrically in the overlap region to create a fluid tight seal between the graft extension and the bypass graft. In Wisselink the main graft has a hole through which a separate branch vessel is attached via the elaborate means outlined in lines 24-41 of column 9 and not a continuous one piece structure wherein the diameter of the main trunk remains constant as in amended claim 1. Seals are used as can be seen from all the figures and text. Hartley discloses stent grafts that overlap and not two grafts that are joined by two separate stents; however, there is an overlap seal. However, the two references, when combined, fail to disclose or suggest the unique structure claimed in amended independent claim 1. The combination of references fail to disclose or suggest the angle or the one piece structure with no coupling device or sealing means at the point of bifurcation as there is no need to have one when it is a one-piece structure and the references fail to disclose or suggest a graft extension for use in an incision to join to the second vessel. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant would be grateful for the opportunity to conduct a telephonic or in-person interview if the Examiner believes it would be helpful in disposing of the present case.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

/Carl J. Evens/

By: \_\_\_\_\_

Serial No. 10/685,374

Carl J. Evens  
Reg. No. 33,874

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2518  
Dated: July 29, 2011